

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with MP Moon on 12/3/2010.

The application has been amended as follows:

Claim 18 - in line 3. "PEEK" has been deleted and in its place -- polyetheretherketone (PEEK)-- has been inserted.

Claim 42 - in line 1, --source-- has been inserted following "brachytherapy".

Response to Amendment

The declarations under 37 CFR 1.132 filed 11/4/2010 are insufficient to overcome the rejection of claims based upon Slater I and Slater II as set forth in the last Office action because: of the benefits of having a socket on the seed instead of a ball of the ball type connector. While the socket may provide different effects on migration of the seeds the reversal of ball and socket elements in ball and socket type connectors is so well known that the selection of either type to be on the seed would have been obvious to one of ordinary skill in the medical arts. US Patent 5,769,681 is one of many references that explicitly set forth reversing the ball and socket in ball and socket type connectors, See fig 1 and 8 and the corresponding written description.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: the prior art does not teach or fairly suggest a brachytherapy seed as claimed having the source of therapeutic radiation mixed in an epoxy based fluid carrier.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Gilbert whose telephone number is 571-272-4725. The examiner can normally be reached on Monday-Friday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel G. Gilbert/
Primary Examiner, Art Unit 3735